THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT APPEAL No. 2226 OF 2005

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22-11-2005

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Between:

Thummala Surender Reddy

……..APPELLANT

And

The Government of Andhra Pradesh, rep. by its Principal Secretary,

Irrigation Department & Others.

…….RESPONDENTS

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JUDGMENT : (Per Hon'ble Sri Bilal Nazki, ACJ)

The appellant had filed a writ petition, seeking directions to official respondents to initiate appropriate proceedings on his representation, dated 04.02.2005 to stop the illegal construction in the name of "Pothana Kalabhavan" in part of Mothkuru Tank comprising Survey Nos.430 and 431 of Mothkuru village, Nalgonda District.

The petitioner was not able to show that the construction was being made over a land, which was *Sikham* land of any of the Tanks. The Government also did not support him in their counter affidavit. On the other hand, they took a categorical stand that Boddugudem village did not belong to Irrigation Department and the Tank did not come under Brindavanam Canal System. Therefore, there were disputed questions of fact, which could not be decided in the writ petition.

In these circumstances, we do not feel any ground to interfere in the order passed by the learned Single Judge. However, the petitioner-appellant is at liberty to take appropriate legal proceedings, if he feels aggrieved. It is made clear that neither this Court nor the learned Single Judge has decided about the rights of the parties.

With these observations, the appeal is dismissed. No order as to costs.

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(BILAL NAZKI, ACJ)

22nd November 2005

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(R.SUBHASH REDDY, J)

ajr